

WATRS

Water Redress Scheme

ADJUDICATOR'S FINAL DECISION SUMMARY

Adjudication Reference: WAT-X352

Date of Decision: 06/05/2021

Party Details

Customer: The Customer

Company: X Company

Complaint

The customer claims that the company had continued to charge him for its services when his property became empty. The customer is seeking the company to remove its charges whilst his property is vacant.

Response

The company says the customer has been correctly billed whilst his property has been empty. Whilst OFWAT's website recommends no charges on unfurnished properties, it also clearly points out that it is for companies to set individual charges. The company's Charges Scheme sets out that charges will be raised for every connected property. The Charges Scheme does not describe any exclusions based on the property's condition, just whether a connection has been made to the company's network to accommodate a supply. To reduce the charges, the customer can also apply to have the supply disconnected. The company will do this free of charge. However, if a connection is needed in the future, the customer will need to apply and pay for a new supply. The company has not made any further offers of settlement.

Findings

I am satisfied that the evidence shows that the company did not fail to provide its services to the customer to the standard to be reasonably expected concerning billing the customer whilst his property is empty. Furthermore, I am satisfied there have been no failings concerning customer service.

Outcome

The company needs to take no further action.

The customer must reply by 03/06/2021 to accept or reject this decision.

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Adjudication Reference: WAT-X352

Date of Decision: 06/05/2021

Case Outline

The customer's complaint is that:

- The company had continued to charge him for its services when his property became empty in July 2020.
- The customer is seeking the company to remove its charges whilst his property remains empty.

The company's response is that:

- The customer has been correctly billed whilst his property has been empty.
- Whilst OFWAT's website recommends no charges on unfurnished properties, it also clearly points out that it is for companies to set individual charges.
- The company's Charges Scheme sets out that charges will be raised for every connected property.
- The Charges Scheme does not describe any exclusions based on the property's condition, just whether a connection has been made to the company's network to accommodate a supply.
- To reduce his charges, the customer can also apply to be billed on a metered basis or have the supply disconnected. The company will do this free of charge. However, if a connection is needed in the future, the customer will need to apply and pay for a new supply.

How is a WATRS decision reached?

In reaching my decision, I have considered two key issues. These are:

- Whether the company failed to provide its services to the customer to the standard to be reasonably expected by the average person.
- Whether or not the customer has suffered any financial loss or other disadvantage as a result of a failing by the company.

In order for the customer's claim against the company to succeed, the evidence available to the adjudicator must show on a balance of probabilities that the company has failed to provide its services to the standard one would reasonably expect and that as a result of this failure the customer has suffered some loss or detriment. If no such failure or loss is shown, the company will not be liable.

I have carefully considered all of the evidence provided. If I have not referred to a particular document or matter specifically, this does not mean that I have not considered it in reaching my decision.

How was this decision reached?

1. The dispute centres on whether the customer should be billed whilst his property remains empty.
2. The company must meet the standards set out in OFWAT's Charges Scheme Rules, the Water Supply and Sewerage Services (Customer Service Standards) Regulations 2008 and the Water Industry Act 1991.
3. The company also has certain obligations regarding its customer services as set out in the OFWAT Guaranteed Standards Scheme and the company's own Guarantee Standards Scheme (GSS).
4. From the evidence put forward by the customer and the company, I understand the customer rented out his property until July 2020. After the tenants had moved out of the property, the customer decided to renovate his property. The kitchen, bathroom, floor coverings and furniture were all removed from the property.
5. On 21 December 2020, the customer contacted the company to query the balance on his account. The company responded by advising the customer that despite the wording on OFWAT's website, the company is entitled to charge for its services for every connected property whether or not the property was unfurnished and empty. I understand that the customer was offered to be billed on a metered rather than a Rateable Value basis, which would reduce his charges.
6. Further discussions took place between the parties, in which the company explained to the customer that the charges were correct, and the wording on OFWAT's website is just a recommendation that there should be no charges on unfurnished properties. OFWAT's website points out that it is for companies to set individual charges, and it is the company's policy that the unmeasured water supply charge is applied to every connected eligible property and which is not charged on a metered basis. The customer disputed this, and on 11 March 2021, commenced the WATRS adjudication process.
7. Concerning the customer's comments and requested redress regarding the charges imposed on his empty property, under Sections 142 and 143 of the Water Industry Act 1991, the company is permitted to charge for water and wastewater services provided and make a Charges Scheme which essentially fixes charges to be paid for services provided.
8. Section 144 of the Water Industry Act 1991 confirms that the property's occupier is responsible for any charges, and section 6.11(d) of the company's Charges Scheme sets out the definition of the "occupier" as the person who has sufficient control over premises to put him under a duty of care towards lawful visitors.

9. The evidence shows that the company's Charges Scheme sets out that charges will be raised for every piped supply of water 'to or used' by household properties. Section 3.1 A (1) of the scheme states that "The unmeasured water supply charge is applied to every piped supply of water to or used in eligible premises and which is not charged on a measured basis". I find that the company's Charges Scheme does not describe any exclusions on the basis of the condition of the property, just whether a connection has been made to the company's network.

10. Whilst I appreciate the customer's position, I am satisfied that the company was correct and acted in good faith when charging the customer for the empty property. The guidance that appears on OFWAT's website is just a recommendation there should be no charges on unfurnished properties. It is not mandatory for water companies to follow this recommendation.

11. The evidence shows that while the property might be empty, it does not necessarily mean that water and sewerage services are not in use at the property. The company has offered the customer the option to either change to metered billing or have his connection disconnected to reduce his charges. I am satisfied that these options are the best way for the customer to reduce his charges at his empty property in this instance.

12. In light of the above, I find that it has not been proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning charging the customer for the empty property.

13. The company has certain obligations in respect of its customer services. As evidenced by the timeline within the CCWater documents, I am satisfied that by the end of the company's dialogue with the customer, the company had adequately explained why it charges for an empty property. Furthermore, on reviewing the various correspondence, I believe that the company dealt with the customer's concerns efficiently and appropriately, considering the circumstances.

14. The customer has provided comments on the Preliminary Decision in which he says that the average person would reasonably expect that if OFWAT make a recommendation then this should not be simply ignored. However, as above, it is not mandatory, it is only a recommendation which the company is not forced to follow.

15. In light of the above, I find the customer has not proven that the company failed to provide its services to the customer to the standard to be reasonably expected by the average person concerning billing the customer for his empty property, nor has the customer proved the company failed to provide services to the standard to be reasonably expected when investigating these issues. Furthermore, I am

satisfied there have been no failings concerning customer service.

Outcome

1. The company needs to take no further action.

What happens next?

This adjudication decision is final and cannot be appealed or amended.

The customer must reply within 20 working days to accept or reject this final decision.

When you tell WATRS that you accept or reject the decision, the company will be notified of this. The case will then be closed.

If you do not tell WATRS that you accept or reject the decision, this will be taken to be a rejection of the decision.

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Mark Ledger
Adjudicator